

House File 364

S-3179

1 Amend House File 364, as passed by the House, as follows:

2 1. Page 2, after line 24 by inserting:

3 <Sec. _____. NEW SECTION. **9A.121 Compensation of student**
4 **athletes — limitation on postsecondary institutions.**

5 1. *a.* A postsecondary educational institution shall not
6 enforce any rule, requirement, standard, or other limitation
7 that prevents a student athlete enrolled at the institution
8 from fully participating in intercollegiate athletics and doing
9 any of the following as a result of the use of the athlete's
10 name, image, or likeness rights, or athletic reputation, or
11 that otherwise penalizes such an athlete:

12 (1) Earning compensation.

13 (2) Receiving food, shelter, or insurance coverage, or
14 receiving payment for the cost of food, shelter, insurance
15 coverage, or medical care.

16 *b.* A student athlete's financial aid eligibility, amount,
17 duration, or renewal, or any other benefit for which the
18 athlete is otherwise eligible, shall not be affected by
19 the athlete receiving an item described in paragraph "a",
20 subparagraph (1) or (2), from the use of an athlete's name,
21 image, or likeness rights, or athletic reputation.

22 2. For purposes of this chapter, financial aid from a
23 postsecondary educational institution in which a student
24 athlete is enrolled is not compensation for use of the
25 athlete's name, image, and likeness rights, or athletic
26 reputation. Such financial aid shall not be revoked or reduced
27 as a result of an athlete receiving an item described in
28 subsection 1, paragraph "a", subparagraph (1) or (2), pursuant
29 to this chapter.

30 Sec. _____. NEW SECTION. **9A.122 Student athletes —**
31 **professional representation.**

32 A postsecondary educational institution shall not
33 interfere with or prevent a student athlete enrolled at a
34 postsecondary educational institution from fully participating
35 in intercollegiate athletics for obtaining professional

1 representation in relation to contracts or legal matters,
2 including but not limited to representation by an athlete
3 agent.

4 Sec. _____. NEW SECTION. **9A.123 Student athletes — contracts**
5 **for advertising.**

6 A person shall not offer to enter into a contract with a
7 student athlete to provide compensation to the athlete for use
8 of the athlete's name, image, or likeness rights, or athletics
9 reputation that requires the athlete to engage in in-person
10 advertising for the person during official, mandatory team
11 activities without approval from the athlete's postsecondary
12 educational institution.

13 Sec. _____. NEW SECTION. **9A.124 Disclosure of contract —**
14 **confidentiality.**

15 A student athlete who enters into a contract providing
16 compensation to the athlete for use of the athlete's name,
17 image, or likeness rights, or athletics reputation, shall
18 disclose the full contract to an official of the postsecondary
19 educational institution at which the athlete is enrolled
20 designated by the institution for that purpose. The
21 institution and designated official shall not disclose to any
22 other person the terms of such contract that the athlete or the
23 athlete's legal representative deems to be a trade secret or
24 otherwise confidential.

25 Sec. _____. NEW SECTION. **9A.125 Compensation outside of**
26 **official, mandatory team activities.**

27 The terms of a team contract of a postsecondary educational
28 institution's athletic program shall not prevent a student
29 athlete from receiving compensation for using the athlete's
30 name, image, or likeness rights, or athletic reputation for a
31 commercial purpose when the athlete is not engaged in official,
32 mandatory team activities if such activities are recorded in
33 writing and made publicly available. Such team activities
34 shall not exceed twenty hours per week during the athletic
35 season and eight hours per week during the off-season.

1 Sec. _____. EFFECTIVE DATE. The sections of this Act enacting
2 sections 9A.121 through 9A.125, and the section of this Act
3 relating to the applicability of such sections, being deemed of
4 immediate importance, take effect upon enactment.

5 Sec. _____. APPLICABILITY. Sections 9A.121 through 9A.125,
6 as enacted by this Act, apply to any agreement or contract
7 newly entered into, renewed, modified, or extended on or
8 after the earlier of July 1, 2021; the effective date of any
9 substantially similar state or federal law; or the effective
10 date of an athletic association or athletic conference rule
11 regarding name, image, and likeness compensation for student
12 athletes if a postsecondary educational institution is a member
13 of such athletic association or athletic conference. For
14 purposes of this section, "agreement or contract" includes but
15 is not limited to the national letter of intent, a student
16 athlete's financial aid agreement, a commercial contract,
17 and rules or bylaws of an athletic conference or athletic
18 association.>

19 2. Title page, by striking line 2 and inserting
20 <compensation of student athletes, making penalties applicable,
21 and including effective date and applicability provisions.>

22 3. By renumbering as necessary.

NATE BOULTON